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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,
9 Plaintiff,
10 vs.
11 JAN ROUVEN FUECHTENER,
12 Defendant.

CASE NO.: 2:16-CR-100-GMN-CWH
**STIPULATION TO CONTINUE
EVIDENTIARY HEARING**
(Second Request)

13 IT IS HEREBY STIPULATED AND AGREED, by and between Elham Roohani and Lisa
14 C. Cartier-Giroux, Assistant United States Attorneys, counsel for the United States of America, and
15 Karen A. Connolly, counsel for Defendant JAN ROUVEN FUECHTENER, that the evidentiary
16 hearing currently scheduled for April 5, 2018, at the hour of 9:00a.m., be vacated and continued
17 to April 16, 2018, at 1:00p.m.

18 This Stipulation is entered into for the following reasons:

19 1. The parties agree to the continuance due to necessary witnesses being unavailable
20 to testify on the currently set date.

21 2. The additional time requested herein is not sought for purposes of delay.

22 3. Additionally, denial of this request for continuance could result in a miscarriage of
23 justice.

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1 4. This is the second request to continue the evidentiary hearing date.

2 DATED this 22nd day of March, 2018.

3 KAREN A. CONNOLLY, LTD.

DAYLE ELIESON
United States of America

5 /s/ Karen A. Connolly
6 KAREN A. CONNOLLY
Counsel for Jan Rouven Fuechtener

5 /s/ Elham Roohani
6 ELHAM ROOHANI
7 LISA C. CARTIER-GIROUX
8 Assistant United States Attorneys
9 Counsel for Plaintiff

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

JAN ROUVEN FUECHTENER,

Defendant.

CASE NO.: 2:16-cr-100-GMN-CWH

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

FINDINGS OF FACT

Based on the Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The parties agree to the continuance due to necessary witnesses being unavailable to testify on the currently set date.
2. The additional time requested herein is not sought for purposes of delay.
3. Additionally, denial of this request for continuance could result in a miscarriage of justice.
4. This is the first request to continue the evidentiary hearing date.

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the sentencing.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for sentencing, taking into account the exercise of due diligence.

The continuance sought herein is excusable under the Speedy Trial Act, title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

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ORDER

2 IT IS THEREFORE ORDERED that the Evidentiary Hearing currently scheduled for
3 April 5, 2018, at the hour of 9:00 a.m., be vacated and set continued to April 16, 2018, at the hour
4 of 1:00 p.m.

5 DATED this ____ day of March 2018.

UNITED STATES DISTRICT JUDGE

KAREN A. CONNOLLY, LTD.
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